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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,888	11/01/2000	Peter C. Berkman	SOFTECP.014A	2809
7590 01/04/2007				
MARK D. KIRKLAND FISH & RICHARDSON P.C. 500 ARGUELLO STREET SUITE 500 REDWOOD CITY, CA 94063		EXAMINER BATES, KEVIN T		
		ART UNIT PAPER NUMBER 2155		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/04/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/703,888

Applicant(s)

BERKMAN ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 41, 46-52 and 54-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 41, 46-52 and 54-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12-14-06, 12-18-06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

This Office Action is in response to a communication made on October 4, 2006.

The Information Disclosure Statements have been received on December 14, 2006 and December 18, 2006 and have been considered.

Claims 2, 16, 23-27, 47, 50, 54 have been amended.

Claims 55-61 have been newly added.

Claims 28-40, 42-45, and 53 have been cancelled.

Claims 1-27, 41, 46-52, and 54-61 are pending in this application.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. *PST*

1-27, 41, 46-47, 49-52 and 54-61

Claims ~~1-35, 37-43, 45-47, and 49-54~~ are rejected under 35 U.S.C. 102(b) as

being anticipated by Gupta (5913061) (Applicant's IDS).

Regarding claims 2, 16, and 55, Gupta teaches a method of centrally managing distributed components comprising:

storing in a first computer system a central registry database including configuration information related to a distributed component located in a first remote computer system and a second distributed component located in a second remote computer system, wherein the first distributed component communicated with a first enterprise application and the second distributed component communicates with a second enterprise application (Column 6, lines 58 – 67);

receiving requests from the distributed component in an enterprise application system for configuration information update requests (Column 11, lines 40 – 47);

determining configuration changes to be implemented in response to the requests (Column 11, lines 43 – 46);

transferring the configuration changes to the corresponding distributed components wherein the configuration changes are implemented in the corresponding distributed components (Column 11, lines 48 – 51; Column 22, lines 22 – 24).

Regarding claim 9, Gupta teaches a method of centrally managing distributed components comprising:

receiving at a first computer system data translation and messaging configuration information from a configuration information input module wherein the configuration information is accessed and modified by a user and sent to the first computer system (Column 11, lines 40 – 47);

determining configuration changes to be implemented in response to the requests;

modifying the central registry database to reflect at least a portion of the configuration changes (Column 11, lines 47 – 48);

allocating the configuration changes to the corresponding distributed components; and

transferring the configuration changes to the corresponding distributed components wherein the configuration changes are implemented in the corresponding distributed components (Column 11, lines 48 – 51).

Regarding claims 23 and 54, Gupta teaches a distributed enterprise application integration system comprising:

a central control module stored in a first computer, the central control module including a central registry database used to store configuration data about a distributed enterprise application system (Column 6, lines 58 – 67), wherein the central control module is configured to process requests for component configuration updates from a plurality of distributed components, determine component configuration data changes in response to the requests, and forward the component configuration data changes to the distributed components (Column 11, lines 40 – 51); and

the plurality of distributed components including corresponding component control modules, the plurality of distributed components stored on a plurality of computers, wherein the plurality of distributed components are configured to communicate with one or more enterprise applications and perform data related and messaging activities in compliance with component configuration data (Column 4, lines 6 – 10), and wherein the component control modules are configured to implement component configuration data and communicate with the central control module to receive component configuration data, send requests for component configuration updates, and send changes to the central registry database (Column 11, lines 40 – 51).

Regarding claims 3, 10, 17, 24, and 56, Gupta teaches that the configuration information includes, at least one of, data translation, routing, formatting, scheduling, collaborations, and message identification (Column 6, lines 40 – 50).

Regarding claims 4, 11, 18, 25, and 57, Gupta teaches that the configuration information includes, at least, data translation (Column 7, lines 59 – 63), routing (Column 4, lines 7 –14), formatting (Column 7, lines 31 – 34), scheduling (Column 15, lines 5 – 7), collaborations (Column 4, lines 7 –14), and message identification (Column 7, lines 20 – 30).

Regarding claims 5, 8, 14, 15, 21, 22, 26, 27, 58, and 61, Gupta teaches that the central registry database communicates with a plurality of subordinate and duplicate registry databases, and the plurality of communication with the distributed components subordinate registry databases are in communication with the distributed components (Column 3, lines 60 – 65; Column 4, lines 2 – 6).

Regarding claims 6, 12, 19, and 59, Gupta teaches that the configuration information includes data translation and messaging information (Column 7, lines 59 – 63).

Regarding claims 7, 13, 20, and 60, Gupta teaches that the configuration information includes component and business logic connectivity information (Column 4, lines 6 – 10).

Regarding claim 46, Gupta teaches that receiving requests from distributed components in an enterprise application system includes receiving requests from distributed components that facilitate communication among enterprise applications (Column 4, lines 6 – 10).

Regarding claim 47, Gupta teaches allocating the configuration changes to the corresponding distributed components includes allocating the configuration changes to

a control broker (Column 22, lines 10 – 24), wherein the control broker includes a broker process and the control broker is associated with a plurality of the one or more enterprise applications (Figure 3, element 208).

Regarding claim 49, Gupta teaches that the configuration information includes data mapping (Column 14, lines 18 – 31).

Regarding claim 50, Gupta teaches a control broker configured to communicate with one or more of the one or more enterprise applications (Column 4, lines 6 – 10).

Regarding claim 51, Gupta teaches that the control broker includes at least one of a configuration change process, a monitor process, a status process and an alert process (Column 15, lines 1 – 8).

Regarding claims 41 and 52, Gupta teaches a method for integrating distributed applications comprising:

sending requests for data-related and messaging-related configuration changes from a first host to a central host (Column 11, lines 40 – 47);

receiving at the first host configuration change information from a central host related to the requests for configuration changes; and

implementing at the first host data translation and messaging configuration changes according to the configuration change information (Column 11, lines 40 – 52).

Regarding claim 1, Gupta teaches a scalable enterprise application collaboration system comprising:

a central host including a fault tolerant central registry system having a first central registry and a redundant-central registry (Column 3, lines 60 – 65; Column 4,

lines 2 – 6), wherein the central host is configured to manage a plurality of reusable distributed objects, send configuration change alerts to the plurality of reusable distributed objects (Column 14, lines 58 – 60), and provide configuration data to the plurality of reusable distributed objects from one of the first central registry and the redundant central registry is used (Column 22, lines 10 – 24);

the plurality of reusable distributed objects, wherein the plurality of reusable distributed objects are in communication with the central host to receive configuration change alerts and to download configuration data from the central host's fault tolerant central registry system (Column 11, lines 40 – 52); and

a plurality of heterogeneous applications, wherein the plurality of heterogeneous applications are configured to communicate via the plurality of reusable distributed objects in accordance with the configuration data (Column 4, lines 6 – 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Butterworth (5457797).

Regarding claim 48, Gupta teaches having replicated databases and nodes for failover (Column 3, lines 60 – 65; Column 4, lines 2 – 6).

Gupta does not explicitly indicate load balancing between replicated databases.

Butterworth teaches a multi-platform enterprise application that uses replication for both failover and load balancing (Column 21, lines 23 – 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use load balancing in Gupta system in order to allow more applications and users to access information in the databases at one time and still maintain the reliability of a replicated system (Column 21, lines 23 – 43).

Response to Arguments

Applicant's arguments filed October 4, 2006 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant argues that the reference, Gupta, does not teach fault tolerance or redundancy by having multiple interchange servers. The examiner does not agree, as seen in Column 3, lines 63 – 65, the interchange server is boosts reliability. In order for something to be reliable in the art described here, it includes fault tolerance. Where it is only reliable that the server system will continue operation after a fault occurs, this can be done multiple ways, but as seen in Gupta and noted by the applicant, it contains more than one interchange server and registry. If there are more than one, they are redundant, if they are reliable, they are fault tolerant, so this meets the claimed limitations.

Regarding claim 2, the applicant argues that the reference, Gupta, does not disclose determining configuration changes to be implemented in one or more components in response to the request. The examiner disagrees, as seen in Column 11, lines 40 – 44, the components in the network can issue configuration requests to the managing server. In Column 11, lines 44 – 47 it teaches that these requests can be activation, version tracking, or upgrading function requests. In Column 11, lines 47 – 50, the reference teaches that the configuration service executes the configuration request and returns an acknowledgement or results. These steps clearly indicate the configuration request is understood by the configuration service and that actions are taken by the request to make the desired changes to the configuration of the application corresponding to the request made, for example activating the connector, or upgrading version or operation of the connector. These activities cannot occur unless the changes were determined, because they are executed in the steps and the system must have determined what to do before doing it.

Regarding claim 9, the applicant argues that the examiner did not meet the burden of proofing every limitation is taught by the stated reference. The examiner disagrees, if the applicant read all of the mapped limitations of the reference, then it would clearly be seen all of the limitations were present in the reference. As shown in the response to the argument 2, Gupta teaches determining step. Also, the reference teaches allocated as shown in Column 11, lines 46 – 47, where Gupta, states the configuration service executes the request for configuration, which as shown in (Column

11, lines 44 – 46, includes activation of connectors, version tracking, and upgrading component nodes.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 22, 2006

Philip Tran
PRIMARY EXAMINER